



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL  
ATTORNEY GENERAL

December 27, 1974

The Honorable A. G. McNeese, Jr.  
Chairman, Board of Regents  
University of Texas System  
P. O. Box 2629  
Houston, Texas 77001

Opinion No. H- 485

Re: Applicability of certain  
provisions in the Education  
Code to the Extension  
Division of the University  
of Texas at Austin

Dear Chairman McNeese:

You ask the following questions:

(1) Does Section 54.203 of the Texas Education Code require the exemption of qualified Texas veterans from the payment of tuition and fees for Extension Evening Courses and Extension Field Courses conducted by the Extension Division of the University of Texas at Austin?

(2) Does Chapter 52 of the Texas Education Code allow the University of Texas at Austin to grant loans under the Hinson-Hazlewood College Student Loan Act to persons enrolled in the Extension Division of the University of Texas at Austin?

The Extension Division is a component of the University of Texas at Austin which provides educational services to a varied clientele. It offers both evening courses and correspondence courses. Whether one receives academic credit for successfully completing a course depends upon the evaluation of the department or program administering the course. Admissions standards for students enrolling in an Extension Division course are far less stringent than those that must be satisfied by students enrolling in other university departments; generally any high school graduate may enroll.

As a component of the University of Texas at Austin, the Extension Division is operated and regulated by the University Board of Regents. The Board attempts to operate the Extension Division on a self-supporting basis, offering courses only when there are sufficient paying enrollees to cover all expenses. The Board insures that office space, office equipment, and classrooms are available to the Division and provides for the payment of instructors in the Division on a contract basis.

The Hinson-Hazlewood Fee Exemption Statute, Texas Education Code, section 54.203, provides that the governing board of each institution of higher education must exempt certain designated veterans from the payment of fees as follows:

- (a) The governing board of each institution of higher education shall exempt the following persons from the payment of all dues, fees, and charges, including fees for correspondence courses but excluding property deposit fees, student services fees, and any fees or charges for lodging, board, or clothing . . . .

The University of Texas at Austin is plainly an "institution of higher education" as that term is defined in the Act. Texas Education Code, sections 54.001 and 61.003. While the Extension Division may be operated on a somewhat different basis than other schools and divisions of the University, it nevertheless is a component of the University subject to regulation by the Board of Regents which has been established in order to provide correspondence courses and other special programs. Section 54.203 explicitly requires the governing board of the University to exempt certain classes of veterans from the payment of all fees including fees for correspondence courses. Thus, veterans designated in section 54.203 must be allowed to enroll in the courses offered by the University's Extension Division without paying tuition or any fees other than those which educational institutions are expressly allowed to collect from veterans by section 54.203. Our answer to your first question is in the affirmative.

Your second question is whether the University of Texas at Austin is allowed to grant loans made available by the Hinson-Hazlewood College Student Loan Act to persons enrolled in the Extension Division. The Hinson-Hazlewood College Student Loan Act, Chapter 52, Texas Education Code, establishes a student loan program to be administered by the

Coordinating Board, Texas College and University System. Section 52.32 of the Act provides that the Board may authorize loans from the Texas Opportunity Plan Fund to qualified students at any participating institution of higher education in Texas if the applicant meets certain qualifications. Under section 52.31 of the Act a participating institution of higher education is:

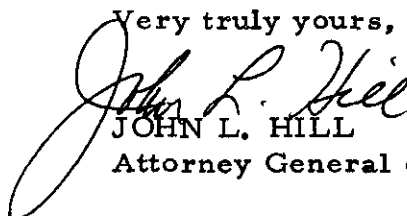
. . . any institution of higher education, public or private nonprofit, including a junior college, which is recognized or accredited by the Texas Education Agency or the Coordinating Board, Texas College and University System, or its successors, and which complies with the provisions of this chapter, and the rules and regulations of the board promulgated in accordance with this chapter.

Again it is clear that the University of Texas at Austin is a "participating institution of higher education" as that term is defined in the Act. Thus, under section 52.32 the Board is authorized to grant loans to qualified students at the University including students enrolled in the University's Extension Division. Of course, before any student in the Extension Division may be granted a loan, he or she must meet the requirements set out in section 52.32 and any other reasonable requirements established by the Coordinating Board in conformity with section 52.32(a)(5). Our answer to your second question is also in the affirmative.

#### S U M M A R Y

Under section 54.203 of the Texas Education Code certain designated Texas veterans must be exempted from the payment of tuition and fees when enrolling in courses offered by the Extension Division of the University of Texas at Austin. Under section 52.32 of the Code, the Coordinating Board is authorized to grant loans to qualified students at the University including students enrolled in the University's Extension Division.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman  
Opinion Committee